

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to S. Singh Bajwa: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this Federal Register notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, and to Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC, 20037 attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 31, 1997, as supplemented February 13, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Calvert County Library, Prince Frederick, Maryland 20678.

Dated at Rockville, Maryland, this 20th day of February 1997.

For the Nuclear Regulatory Commission.  
Alexander W. Dromerick,  
*Senior Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.*  
[FR Doc. 97-4701 Filed 2-25-97; 8:45 am]  
BILLING CODE 7590-01-P

**[Docket No. 50-331]**

**IES Utilities Inc., Central Iowa Power Cooperative, Corn Belt Power Cooperative, Duane Arnold Energy Center; Notice of Consideration of Approval of Application Regarding Merger**

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering the issuance of an order approving under 10 CFR 50.80 an application regarding the proposed merger involving IES Industries (IESI), the parent company of IES Utilities Inc. (IESU). IESU is the licensee for the Duane Arnold Energy Center (DAEC). By letter dated September 27, 1996, IESU informed the Commission that under a merger agreement among IESI, WPL Holdings, and Interstate Power Corporation, IESI will merge with and into a WPL Holdings (WPLH), and Interstate Power Corporation will become a subsidiary of WPLH. WPLH will be renamed Interstate Energy Corporation (IEC) of which IESU would become a wholly-owned subsidiary. IESU will remain the holder of its license for DAEC. Under the merger agreement, current stockholders of IESI, WPLH, and IPC will become stockholders of IEC pursuant to a formula stipulated in the merger agreement. IESU requested the Commission's approval regarding the proposed transactions to the extent they effect an indirect transfer of control of the DAEC license, pursuant to 10 CFR 50.80. IESU would remain an electric utility as defined in 10 CFR 50.2, engaged in the generation, transmission, and distribution of electric energy for wholesale and retail sale, subject to the rate regulation of the Iowa Utilities Board and the Federal Energy Regulatory Commission.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license after notice to interested persons. Such approval is contingent upon the Commission's determination that the holder of the license following the transfer is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

For further details with respect to this proposed action, see the licensee's letter dated September 27, 1996, with the following exhibits: (A) Information to support the request for the Commission's consent. (B) A copy of the merger agreement executed among IES Industries Inc., WPL Holdings, Inc., and Interstate Power Corporation. These documents are available for public inspection at the Commission's Public Document Room, 2120 L Street, NW., Washington, DC, and at the local public document room located in the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, IA 52401.

Dated at Rockville, Maryland, this 19th day of February 1997.

Glenn B. Kelly,  
*Project Manager, Project Directorate III-3, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.*  
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**Toledo Edison Company Centerior Service Company; and the Cleveland Electric Illuminating Company; Davis-Besse Nuclear Power Station, Unit No. 1 Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed no Significant Hazards Consideration Determination, and Opportunity for a Hearing**

**[Docket No. 50-346]**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to the Toledo Edison Company, Centerior Service Company, and The Cleveland Electric Illuminating Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit No. 1 located in Ottawa County, Ohio.

The proposed amendment would revise Technical Specification (TS) Section 3/4.5.2, "Emergency Core Cooling Systems, ECCS Subsystems— $T_{avg} \geq 280^\circ\text{F}$ ." Surveillance requirement (SR) 4.5.2.f would be modified to state that opening and closing of the inspection port on the watertight enclosure for the decay heat valve pit would not require this surveillance procedure to be performed. The applicable TS bases would also be changed.

The licensee's submittal is being processed as an exigent TS amendment request pursuant to 10 CFR 50.91(a)(6), as a followup to the Notice of Enforcement Discretion (NOED) issued by the Commission on February 12, 1997.